

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BRENDA DICKSON,

Plaintiff,

vs.

Civ. No. 01-192 WWD/LFG ACE

CITY OF ALBUQUERQUE, JOHN DANTIS,
individually and in his official capacity as
director of the Bernalillo County Detention
Center; JACK YARMOLA, individually and
in his official capacity as supervisor of the
Bernalillo County Detention Center; THE
COUNTY OF BERNALILLO, through its
BOARD OF COMMISSIONERS OF THE
COUNTY OF BERNALILLO,

Defendants.

CORRECTED MEMORANDUM OPINION AND ORDER

This matter comes before the Court *sua sponte* as the result of the submission of a proposed Pre-Trial Order to the Court on May 23, 2001. Plaintiff's counsel has not signed or approved the order submitted. Apparently Plaintiff's counsel had indicated to Defense counsel that he wanted to make some changes to the proposed order. Since the Pre-Trial Order was submitted, summary judgment has been granted with respect to Plaintiff's breach of contract to claims. Plaintiff's "claim" of retaliation, which was not pleaded in the complaint or in a motion to amend, will not be entertained at this late date where it surfaced for the first time in Plaintiff's response to Defendant's motion for summary judgment. Plaintiff's counsel shall prepare a new Pre-Trial Order, taking into account the matters mentioned above, and inserting the submissions from Defendants. Plaintiff's counsel shall then obtain the signatures of opposing counsel on the

Pre-Trial Order, which he also shall sign. Finally, Plaintiff's counsel shall submit the completed Pre-Trial Order to the undersigned on or before June 26, 2002. Further dilatory practice by Plaintiff's counsel will be sanctioned, and Plaintiff's complaint may be dismissed.

This cause shall proceed in accordance with the foregoing

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE